

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #8	CCRB Case #: 201904022	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 04/19/2019 7:22 PM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 10/19/2020	EO SOL 6/5/2021	
Date/Time CV Reported Fri, 05/10/2019 9:38 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/10/2019 9:38 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Konstantin Panagiotopoulos	06395	961549	114 PCT
2. POM Steven Oconnor	00425	961547	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Sean Marchiaduckworth	03469	960869	114 PCT
2. POF Gabriela Gonzalez	14183	961792	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Oconnor	Abuse: Police Officer Steven Oconnor forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
B.POM Konstantin Panagiotopoulos	Abuse: Police Officer Konstantin Panagiotopoulos forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

Case Summary

On May 10, 2019, § 87(2)(b) filed the following complaint with the CCRB's intake unit.

On April 19, 2019, at approximately 7:22 PM, PO Steven O'Connor and PO Konstantin Panagiotopoulos (of the 114th Precinct) responded to § 87(2)(b)'s home, located at § 87(2)(b) in Queens. After speaking with § 87(2)(b) about her complaint, the officers called Emergency Medical Services (EMS) to the scene and made the decision to forcibly remove her to the hospital. **(Allegations A, B: Abuse of Authority – § 87(2)(g) § 87(2)(b)** was transported to § 87(2)(b) Hospital and released that same night. § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Body Worn Camera (BWC) footage of the incident was obtained from all four involved officers. (BR06-BR09)

Findings and Recommendations

Allegation (A) – Abuse of Authority: Police Officer Steven O'Connor forcibly removed § 87(2)(b) to the hospital.

Allegation (B) – Abuse of Authority: Police Officer Konstantin Panagiotopoulos forcibly removed § 87(2)(b) to the hospital.

It is undisputed that § 87(2)(b) was removed to the hospital against her will. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) stated that she called 911 on April 19, 2019, after returning home to find that someone had broken into her apartment at § 87(2)(b), where she resides by herself. § 87(2)(b) suspected that it was her uncle who had done so and stated that she had an order of protection against him. When PO O'Connor and PO Panagiotopoulos arrived, however, the officers refused to listen to § 87(2)(b). Instead, they told her, "every time you call 911, you are going to the hospital... whether you like it or not." § 87(2)(b) recognized the officers from at least one prior incident which resulted in her forcible removal to the hospital. As they waited for an ambulance to arrive, § 87(2)(b) repeatedly refused medical attention. Once the EMTs responded, PO O'Connor told them that § 87(2)(b) was schizophrenic. Despite her denying the diagnosis, and without any further interactions with the EMTs, the officers then grabbed § 87(2)(b) and forcibly removed her to an ambulance outside. § 87(2)(b) was then transported to § 87(2)(b) Hospital's Emergency Department, where she was discharged within the hour without any treatment. (BR01)

PO O'Connor and PO Panagiotopoulos both stated that they had responded to § 87(2)(b)'s apartment at least three times in 2019, and that she always complained about the same issue – that her uncle had broken into her apartment, stolen her belongings, and thus violated the order of protection she had against him. The officers were never able to find any evidence of a break-in when they responded in the past, and § 87(2)(b) was never able to coherently articulate any

further information to support her allegations; she could not specify what items were taken and only “ranted” and rambled about various unrelated issues. (BR04-BR05)

Additionally, PO O’Connor stated that § 87(2)(b) had expressed suicidal ideation in the past, and that she was removed to the hospital as an emotionally disturbed person (EDP) on each of their prior visits. (BR04-BR05) While PO O’Connor and PO Panagiotopoulos did not recall if § 87(2)(b) spoke about harming herself or others on April 19th, the officers regarded her as an EDP when they arrived at the scene with their back-up unit PO Sean Marchiaduckworth and PO Gabriela Gonzalez. Upon confirming that § 87(2)(b) was calling about her uncle, PO O’Connor determined that she needed to be removed to the hospital for a psychiatric intervention and went on to call for an ambulance. When the EMTs arrived, the officers briefed them on § 87(2)(b)’s psychiatric history. While PO Panagiotopoulos believed that both he and PO O’Connor made the removal decision together, PO O’Connor stated that the decision was solely his. The officers did not consult a supervisor during the incident. (BR04-BR05)

When asked if he believed she posed a threat to herself or others, PO O’Connor stated that § 87(2)(b) was “acting in a violent manner towards herself and others.” PO O’Connor only elaborated that § 87(2)(b) was highly aggravated throughout the incident, screaming and cursing at the officers. (BR04) PO Panagiotopoulos did not describe any violent behavior on § 87(2)(b)’s part. (BR05)

The event documentation and audio recording of § 87(2)(b)’s 911 call, made at 3:45 PM, show that she sought police assistance to report her uncle’s alleged trespass. § 87(2)(b) did not make any threats or express any suicidal ideation during the call and the police radio communications did not relay that she was violent. The records show that the officers requested EMS at 7:27 PM at which time PO O’Connor characterized § 87(2)(b) as a “non-violent EDP.” (BR02)

As documented in § 87(2)(b)’s Ambulance Care Report (ACR), the responding EMTs noted that she suffered from “schizo-affective...psychiatric problems,” that she was aggressive and uncooperative, and that she scratched her arm until it bled. The ACR further notes that, “PD on scene states she’s a frequent flyer [and] needs to be taken to psych.” (BR03)

Per PO O’Connor, the above-referenced scratching occurred while § 87(2)(b) was being transported to the hospital. (BR04)

The BWC footage adds further context to the largely undisputed facts recounted above. (BR06-BR09) Upon their arrival, after PO O’Connor and PO Panagiotopoulos briefly converse with § 87(2)(b) in her living room for about 40 seconds, PO O’Connor radios for EMS stating, “no 68 – it’s going to be a non-violent EDP.” (BR06 at 23:27:00 as displayed onscreen in the video) § 87(2)(b) goes on to tell the officers that her uncle had broken into her apartment and taken her things, without describing when this occurred, what is missing and how she knows there was an entry. When PO Panagiotopoulos questions § 87(2)(b) PO O’Connor states, “don’t entertain her.” Smiling, PO Panagiotopoulos points to his body worn camera. PO O’Connor then states, “for what, she’s an EDP...every day, it’s the same story.” (BR06 at 23:30:45) When § 87(2)(b) tells the officers that she will not go to the hospital, PO O’Connor responds, “I told you that every time you call, you are going to the hospital.” § 87(2)(b) becomes increasingly irate when PO O’Connor tells the EMTs, immediately upon their arrival, that “she has multiple prior EDP

histories - bipolar, schizo, she calls all the time, it is the same story every time." (BR06 at 23:40:50 - 23:41:02) Refusing medical attention, § 87(2)(b) tells the officers that PO O'Connor is lying, that she is not bipolar or depressed, and that she only called 911 to file a report against her uncle. When she asks the EMTs to explain why she needs to go to the hospital, they tell her it is due to her history, without providing any other reasons and without making any additional inquiries. (BR06 at 23:44:40) PO O'Connor and PO Panagiotopoulos then both advise § 87(2)(b) that when "you call 911, you have to go to the hospital." Over her objections, they ultimately escort § 87(2)(b) to the ambulance with the other officers' assistance. (BR06)

Per Patrol Guide (P.G.) Procedure 221-13, a person who is apparently mentally ill or emotionally disturbed must be taken into protective custody when the person is conducting themselves in a manner likely to result in a serious injury to themselves or others. (BR10)

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g), § 87(4-b)

[REDACTED]

Civilian and Officer CCRB History

- § 87(2)(b) has been a party to one prior CCRB complaint involving two allegations:
 - Case number 201801603 involved two allegations of forcible removal to hospital. Both allegations were exonerated.
- PO O'Connor has been a member-of-service for three years and this is the first CCRB complaint to which he has been a subject.
- PO Panagiotopoulos has been a member-of-service for three years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil, and Criminal History

- This was case was not suitable for mediation.
- The results of a Notice of Claim query, submitted to the New York City Office of the Comptroller on October 24, 2019, are pending.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City. (BR13)

Squad No.: 08

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date